



COUNTY OF ALBEMARLE STAFF REPORT

Project Name: AFD202600001 Lanark District Withdrawal	Staff: James Van Vranken, Planner
Agricultural and Forestal Districts Advisory Committee Meeting: April 21, 2026	
Planning Commission Public Hearing: May 12, 2026	Board of Supervisors Public Hearing: June 17, 2026
Proposal: Withdrawal of a 7.5-acre portion of a 50-acre parcel from the Lanark Agricultural and Forestal District.	Comprehensive Plan Designation: Rural Areas

BACKGROUND

The Albemarle County Code currently contains this description of the Lanark District:

Sec. 3-225 Lanark Agricultural and Forestal District

The district known as the "Lanark Agricultural and Forestal District" was created and continues as follows:

A. Date created. The district was created on April 20, 1988.

B. Lands within the district. The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 90: parcels 12, 14A.

2. Tax map 92: parcel 64C.

3. Tax map 102: parcels 33, 35, 35A, 35B, 35C.

4. Tax map 103: parcels 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1J, 1K, 1L, 1M, 2A, 2B, 2E, 3, 3A, 3B, 3C, 3G, 5, 9, 10A, 10B, 10D, 43, 43D, 43F, 43J, 43L, 43L1, 43M, 68 (part).

C. Review. The district is reviewed once every ten years and will next be reviewed prior to September 18, 2029.

The District is located around Carters Mountain Road, just south of Charlottesville, and includes 42 parcels totaling 2,807 acres. It was created in April 1988 and included 996 acres at the time of its creation.

Landowners may remove property from districts by-right during periodic district reviews (typically every 10 years). The next review date for the Lanark District is September 18, 2029. Between review periods, withdrawals are only permitted (1) by heirs, within two years of an owner's passing,

or (2) by discretionary approval of the Board of Supervisors. For applications using the second option (including the current application), the Board must consider four criteria listed in County Code section 3-205(D) (see below).

PROPOSAL

The applicant, Mr. John Baroncelli, is applying on the landowners' behalf (with their permission) to withdraw a 7.5-acre portion of the 50-acre parcel known as TMP 103-2B (Attachment A). The land is owned by Eugenia Johnston and Thomas Whitehurst, who would like to divide this 7.5-acre portion from the main parcel and sell it to Mr. Baroncelli. According to the withdrawal request, the landowners "do not wish to own another residence, particularly one that is in poor condition and in need of extensive renovation" (Attachment B, p. 2). Mr. Baroncelli and his wife would like to purchase the property to restore the dwelling and make it their new home (p.1). However, subdivisions to create parcels smaller than 21 acres are not permitted within an Agricultural and Forestal District.

Parcel 103-2B is almost entirely forested. The 7.5-acre portion proposed for withdrawal is located at the eastern end of the property where a homesite, including the aforementioned dwelling and a few small outbuildings, has grown up in cedar and pine over the last thirty years.

ANALYSIS OF THE WITHDRAWAL REQUEST

Section 3-205(D) of the County Code states that the Agricultural and Forestal Districts Advisory Committee, the Planning Commission, and the Board of Supervisors shall apply the following criteria in their respective reviews of each withdrawal request:

No significant adverse impact. *The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district; in considering this criterion, the land proposed to be withdrawn may be reevaluated through the Virginia Land Evaluation and Site Assessment (LESA) System;*

There is no new land use being proposed. A residence exists on the property and no new residences are proposed. No significant land is being taken out of production, as the portion proposed for removal is already residential in nature. Nor does this existing dwelling make it harder for other landowners in the District to engage in agriculture or forestry. The withdrawal from the District of this portion of land, followed by its subdivision into a 7.5-acre residential lot, would not have a significant adverse impact on agricultural or silvicultural operations on land remaining in the District.

Consistent with the Comprehensive Plan. *The proposed new land use is consistent with the Comprehensive Plan;*

There is no proposed change to the existing land use. The Comprehensive Plan calls for a reduction of new residential uses on rural land (RALU 4.1), but the dwelling on this site already exists. The applicant has proposed that no additional development rights will be transferred to the 7.5-acre parcel. However, the Board of Supervisors is not enabled to put conditions on its approval of withdrawal requests, so this allocation of development rights cannot be prescribed. The withdrawal and subsequent subdivision could potentially lead to additional divisions that would not be consistent with the Comprehensive Plan.

Consistent with the public interest. *The proposed land use is consistent with the public interest of the County in that it promotes the health, safety, or general welfare of the County, rather than only the proprietary interest of the landowner; and*

The subdivision that this withdrawal would make possible is not in the public interest, but rather in the proprietary interest of the landowner, and does not advance the health, safety, or general welfare of the County.

Changed circumstances. *The proposed land use was not anticipated by the landowner at the time the land was placed in the district, and there has been a change in circumstances since that time.*

The land was placed in the district by a previous landowner, whose heirs sold the property upon her death in 2025. This criterion is not applicable.

CONCLUSION

Factors Favorable:

1. No new land use is being proposed.
2. There is no identified adverse impact to agriculture or forestry in the District.

Factors Unfavorable:

1. The withdrawal is in the proprietary interest of the landowner.
2. There is no legal mechanism preventing a different allocation of development rights after withdrawal, which could result in additional development inconsistent with the Comprehensive Plan.

On balance, staff believes the requested removal of 7.5 acres from the Lanark District has no significant impact on the land available for agriculture or forestry, and there is no proposed land use that is inconsistent with the Comprehensive Plan, as long as no additional development rights are transferred to the proposed 7.5-acre lot. Therefore, staff recommended that the Advisory Committee recommend approval of the proposed withdrawal.

RECOMMENDATION

The Agricultural and Forestal Districts Advisory Committee recommended (6:1) approval of the proposed withdrawal.

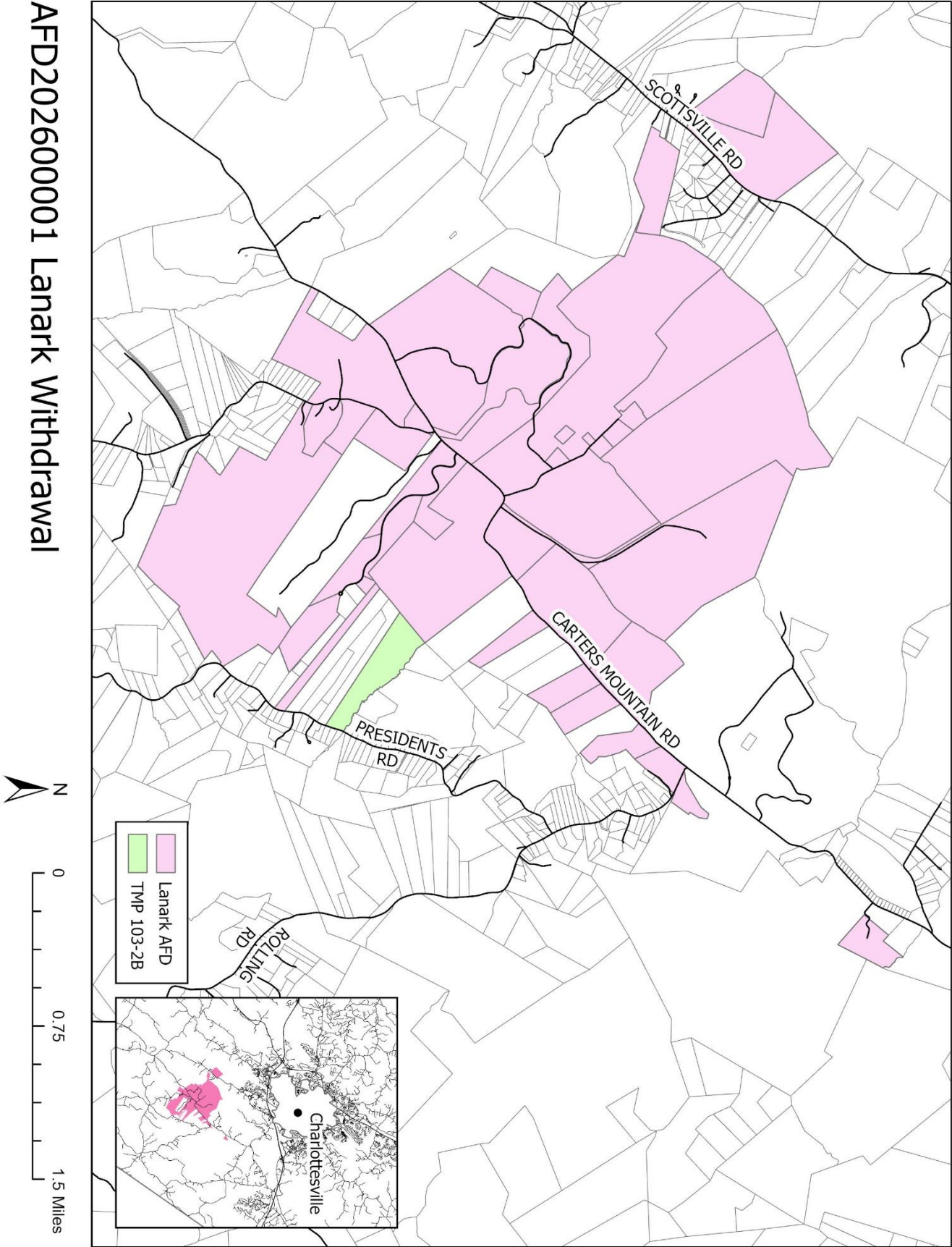
Attachments

Attachment A – Maps

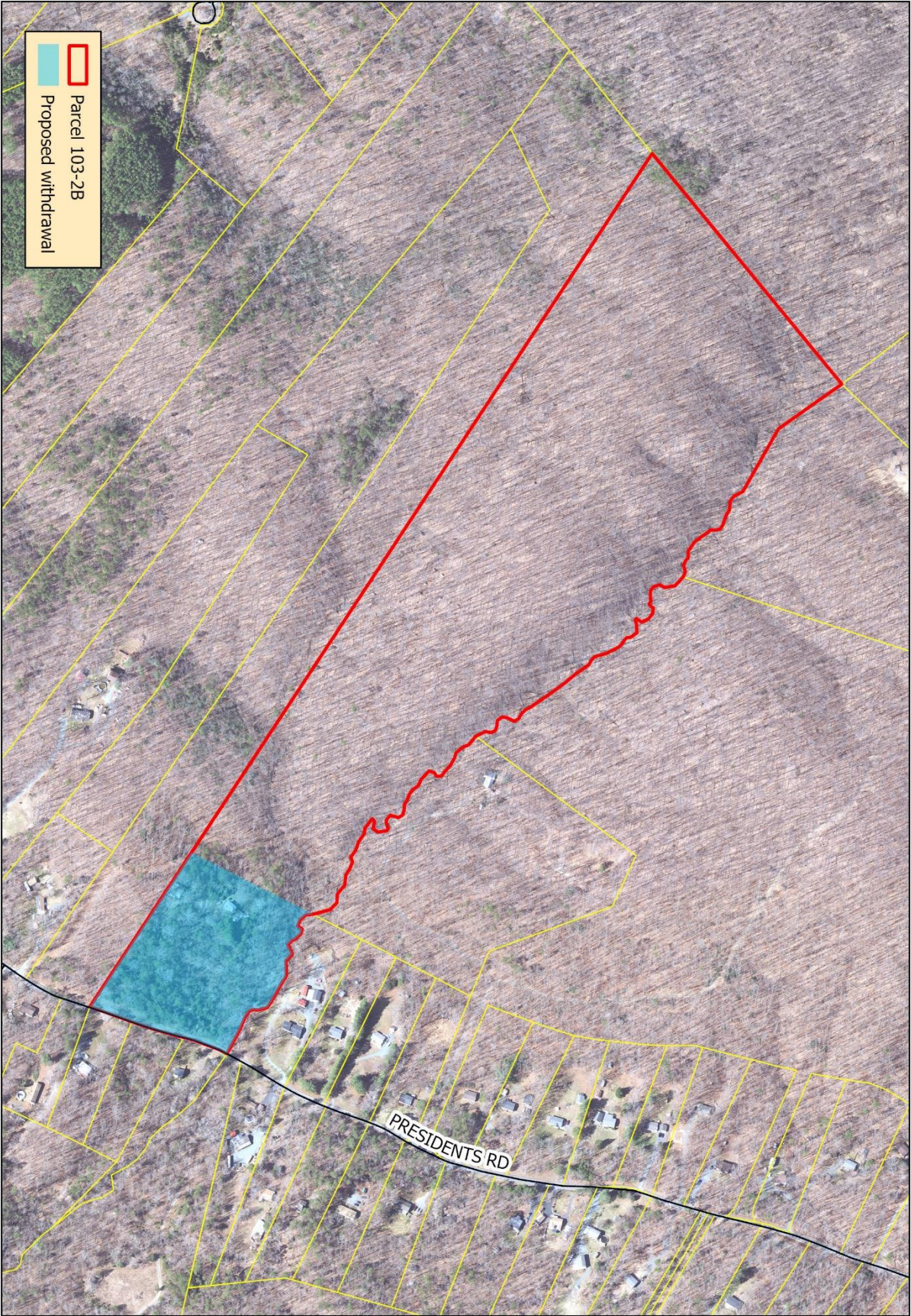
Attachment B – Withdrawal Request

Attachment C – Proposed Ordinance

AFD202600001 Lanark Withdrawal



AFD202600001 Lanark Withdrawal



February 17, 2026

Mr. Michael Barnes
Director of Planning
Albemarle County Department of Community Development
401 McIntire Road
Charlottesville, VA 22902

Subject: Request for subdivision, and removal of 7.5 acres from Lanark Forestry District at 3744 Presidents Road

Dear Mr. Barnes & Members of the Board of Supervisors,

I am writing to you as a representative of the owners of 3744 Presidents Road, Eugenia Johnston and Thomas Whitehurst - Tax Map: 103 – Parcel 2B. I am an interested party in this matter acting in a non-legal personal capacity. They recently purchased this property in December of 2025, after the owner for the last 25 years had passed at the age of 94. The family would like to subdivide this 50-acre parcel into two lots and sell the front 7.5 acres to my wife and me. All the improvements, including: the home, metal barn, seven other structures, the driveway, front fence and utilities - are all contained within the front 7.5 acres facing Presidents Road. However, this parcel is currently within the Lanark Forestry District (“District”) and therefore is subject to specific limits on types of subdivisions allowed. The State law that gave these districts the right to exist, also gives these two owners the right, at any time after the creation of a district, to file a request to withdraw all or part of their land from the district for good and reasonable cause. See § 15.2-4314. The primary reason we are having to submit this request is simply because the current owners are not requesting a subdivision where each parcel was greater than 21 acres. Therefore, as is their right under State law, they are asking to remove this 7.5 acres from the District first pursuant to Chapter 3, Article 2, Sec. 3-205(D).

This County is filled with wonderful historic federal style buildings; seen everywhere throughout our many historic districts. Sadly, this style of building has become too time consuming for new development. Understandably so, we are in short supply of homes in this County, and developments need to build new units quickly. Our community also needs people that will have an appreciation for our local architectural style while renovating our aging rural housing supply. I graduated from UVA law and love it here, but I am most proud that I followed the footsteps of three previous generations of Italian American masons and general contractors to now work as a construction superintendent for UVA. Renovating old buildings has become one of my favorite pastimes. My wife and I only wish to purchase this property to make it our new home. We will remove derelict buildings and only restore structures that predate the existence of the Lanark District. A fundamental reason this

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request is good and reasonable is because there will be no new development on this proposed 7.5-acre parcel. There is no attempt here to abuse a land use program or reverse the benefits of the conservation. Instead, you will see herein that this family's request will reduce the change of the forests in this area, ensuring the protection of this District for many years to come, while also promoting the general welfare of the County through multiple advancements of the Comprehensive Plan ("AC44").

Districts were not created to completely ban residential uses of property on lands within them, and as you'll see herein, our code allows the owners great freedom to remove forests, by right, for residential development on parcels currently within a forestry district. It should be noted that the parcels in the District are only subject to these limitations because landowners (in this case a now deceased and unrelated landowner) voluntarily agreed to enter their property into the District for a limited term of years. This District lasts for a term of ten years, and each property within it is allowed by right to remove itself from the District at the renewal date. In this case that is September of 2029. If this request were denied, the current property owners plan on removing the entire 50 acres from the District. However, if this request is accepted, 42.5 acres will remain in the District for at least three more years.

This request is one far removed from the typical scenario of real estate development converting wonderful forests into subdivisions. Nor is this even a usual case of the landowners seeking to maximize personal gain from the sale of real estate. The current owners simply do not wish to own another residence, particularly one that is in poor condition and in need of extensive renovation, maybe years' worth of work. The home had been abandoned and left in disrepair for almost a year. County GIS records show the house was given a D+1 grade. That's generous – the County's assessment of the improvements over the last five years was overvalued. The level of degradation seen in every improvement on the property started far more than a year ago. This is even more reason to not leave the property's future restoration in question due to a termed forestry district. Accepting this request will provide far more benefits to the community and neighborhood than any real gains to the current landowners. This residence is currently uninhabitable and will likely not survive until 2029. Renovating it now will help save the homestead, creating more housing in a county badly in need of more supply. Once all the facts are considered, we hope our Board of Supervisors ("BOS") will see this request as one family looking to provide a generous offer of assistance to two longtime (hopefully lifelong) Albemarle residents in your local workforce.

The County's staff may advise that this subdivision does not fall within the exceptions to the prohibitions on development of forestry land into more intensive uses,

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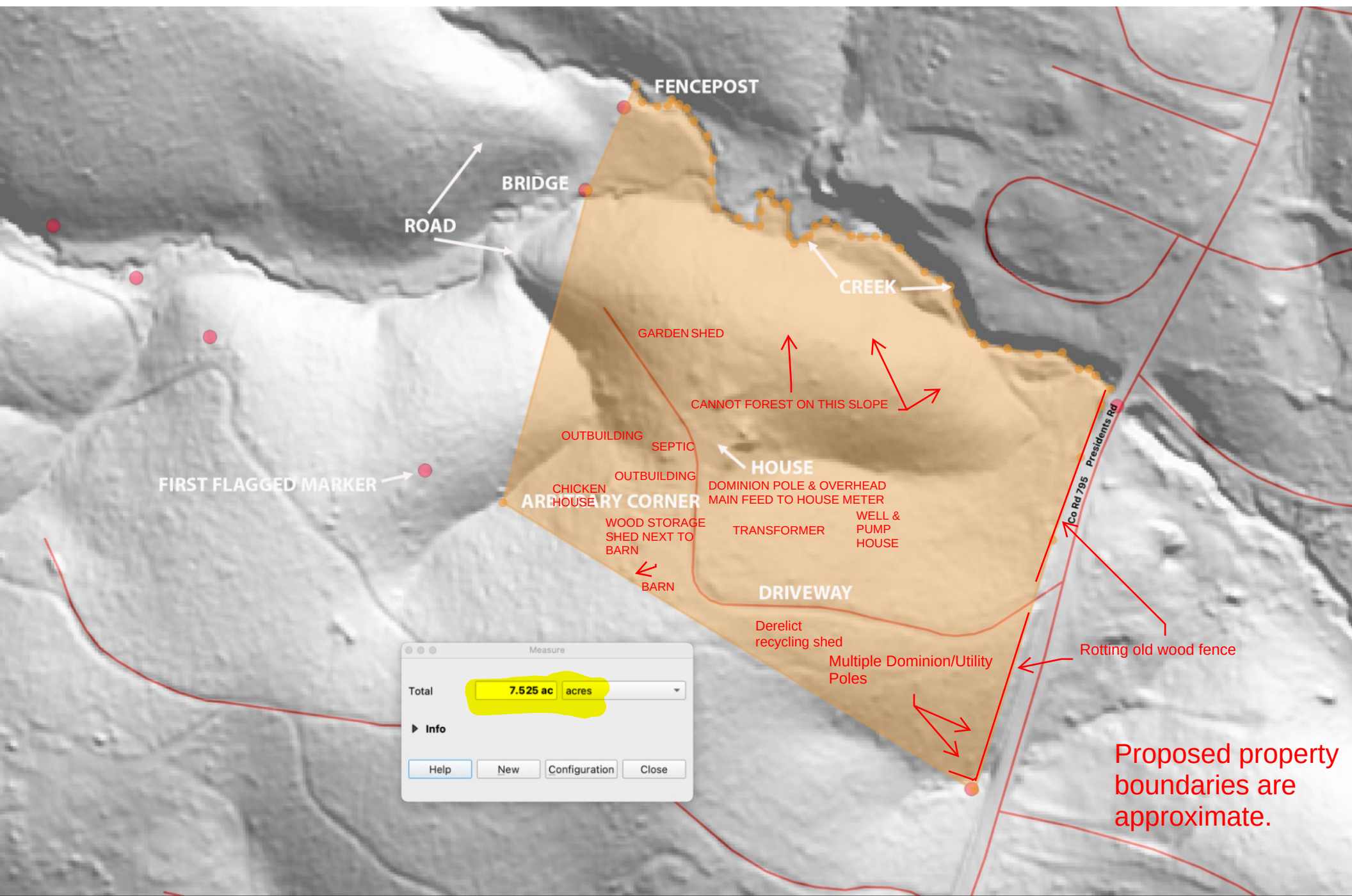
and therefore necessarily creates a conversion of “forest land” into “residential land.” I find myself in an ironic situation where I appear to be an adversary to the protection of our forests by requesting to remove land from a forestry district. I really would gladly keep the land within agricultural or forestry use, and as you will read, I will relinquish all further development and subdivision rights for this new parcel to minimize future development. In fact, I don’t even like to cut down one living, non-invasive species of tree unless it’s necessary. I believe trees are one of the most important organisms in our ecosystem, and I try to avoid building with wood products for this reason. The County and BOS are correct to limit new development to specific areas within our County. It is the right thing to do fiscally and environmentally, and it is one of many reasons that the District can rest assured that acceptance of this request will not put any pressure on your land use. Please see herein that accepting this request would change nothing about the layout of the forests or natural resources on this parcel and have no effect on any adjacent forestry lands or their operations, whether within the District or not. The only change that would come if you granted our request would be that derelict buildings within our rural area can be renovated and you will assist your own local UVA/Health workforce with increasing that housing supply. In turn, we will spend money on local businesses improving the curb appeal of streets that turn off directly from some of your most important routes of tourist access. If you took a short drive through the heart of the Southern Albemarle Rural Historic District, one would quickly agree (like much of America) the rural area housing needs much restoration. We hope that our BOS will allow for these community benefits to occur when you see that the effect of this request would create no actual conversion of forests into newly developed residential land.

A. No significant adverse impact.

One can reach a decision to accept this request by properly balancing the state-mandated protections of our Forestry Districts with the four withdrawal criteria under 3-205(D), including your goals stated in the AC44. The first and arguably most important factor, is whether the proposed “new” land use *has a significant adverse impact on agricultural or forestal operations on land within the district.*

See a map produced from lidar (Figure 1) showing the approximate boundaries and existing improvements for the proposed new parcel on the next page. Almost all 50 acres of this parcel are covered by trees. However, the existing dwelling and all the improvements are approximately contained within the front 7.5 acres of the 50-acre property. The back 42.5 acres is only forest. Based upon County records, and observation, the dwelling and all the improvements appear to predate the creation of the District. I found this quote within the AC44, and it couldn’t be more appropriate for the primary point I need to make to this

Figure 1 - Lidar map of approximate proposed property boundary and the existing improvements on the front 7.5 acres of 3744 Presidents Road.



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BOS – “The greenest building is the one that is already built.” – Carl Elefante, Past President of the American Institute of Architects. We wish only to remove some of the completely dilapidated structures comprised of rotting materials. In turn, we will renovate the dwelling, metal “barn” and other structures on existing building sites. I do not want to clear any existing forests for new improvements on this newly created parcel. How can there be an adverse impact on forests lands from the proposed “new” land use when the only thing being proposed is removal of existing structures that are beyond repair, and renovation of structures that predate the creation of the Lanark District.

To substantiate this point further, as is their right, the Johnston-Whitehurst family warrants **that zero development rights will be transferred to the new parcel**. Also, it will be stated in the deed that this new 7.5-acre parcel **will be prohibited from any further subdivision**. Please make this promise conditional on acceptance of this withdrawal request, if that is what is necessary to serve the public interest. Notice that within the County Code, the BOS shall apply the following criteria when they review an application for creation or renewal of land within a district:

Development rights. Whether any parcel has one or more development rights that would allow the creation of one or more parcels less than 21 acres in size; in considering whether to include any parcel in a district, the policy of the County is to not include any parcel determined to have no development rights and cannot be further divided to create one or more parcels less than 21 acres in size.

The rationale for this addition to the Code is that parcels without any remaining development potential do not provide a development-for-conservation exchange. Thus, if you accept this request, the creation of this new parcel will not result in any reversal of the development-for-conservation exchange this District provided. Because of this, once it becomes a new parcel, it would have an even stronger effect on protecting the new parcel’s forests than the termed forestry district. The current property’s deed contains no restrictive covenants on development or subdivision. Virginia common and statutory law will respect this proposed restriction on new development in the deed as reasonable, and not contrary to public policy, and it could be enforceable for many decades to come. This restriction in the deed will ensure protection of the forests on this new parcel far more effectively than the protections provided currently through a termed forestry district, due to expire in three years. As discussed further below, despite the restrictions on development within the District, the current owners are far less restricted from clearing forests and developing their property right now, compared with the restrictions we are proposing for the new parcel. This community benefit will be set in the deed for the long term, and the remaining trees on the new parcel will not be further depleted for future development.

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As pronounced within the Agricultural and Forestry Districts Act of 1977, the very first item listed as an effect of creating a forestal district of statewide significance is the following:

“Land lying within a district and used in agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment...”
regardless of whether the county where the district exists recognizes land use assessments. § 15.2-4312.

The primary purpose of this law is to provide an incentive for landowners to hold onto their land instead of having to sell it for development. The primary and most effective mechanism for this goal is land use taxation. Non-agricultural/residential development raises real estate values and creates pressures on our agricultural community through increasing property taxes of neighboring lands. Land use is the key mechanism to protect the public interest in maintaining forest lands, and the four criteria for withdrawal each start their sentence with “proposed *new land use*” or “proposed *land use*.” Therefore, the County’s own land use assessment of this parcel is a useful guide for demonstrating the lack of any adverse impact of this land removal.

See the most recent land use assessment from the County on the following page. Compare that with the map-Figure 1 illustrating all the improvements on the property. The County Assessor deemed 7 acres of the property to be non-qualified for forestry related land use. Per Title 4 of Virginia’s Administrative Code, the State’s Department of Forestry defines “nonproductive forest land” as follows:

C. Nonproductive forest land. The land sought to be qualified is land devoted to forest use but is not capable of growing a crop of industrial wood because of inaccessibility or adverse site conditions such as steep outcrops of rock, shallow soil on steep mountain sides, excessive steepness, heavily eroded areas, coastal beach sand, tidal marsh, and other conditions that prohibit the growth and harvesting of a crop of trees suitable for commercial use.

Observe where the house is marked on the map per Figure 1, it is sitting on one of the only flat portions of land within the entire front 7.5 acreage. The slope is very steep in the directions towards the creek. You could not drive a backhoe or excavator, etc. on this slope. The slope in the front of the house heading towards the driveway arguably could have equipment driven on it, but there are other conditions there that would make tree harvesting impossible, or illegal given proximity to Dominion property. For example, there is a well house containing the pump and expansion tank directly in the front center of the property. The main water supply piping runs directly to the house from the pump house.



County of Albemarle

County Assessor - Department of Finance & Budget

Office of the Real Estate Assessor

landuse@albemarle.org

tel: 434-296-5856

fax: 434-296-5801

July 1, 2025

Parcel ID: 103000000002B0

Vision PID: 40183

Deeded Acres: 50.000

Forestry Acres: 43

Homesite Acres: 1

Non-Qual Acres: 6

Owner Email:

17803295-35-2 1 3 *****AUTO**5-DIGIT 22901



CARSON, JAMES C OR BEVERLEY ANN
PO BOX 8354
CHARLOTTESVILLE VA 22906-8354

2026 Land Use Revalidation

Dear Property Owner,

Land use assessments must be revalidated every two (2) years. The deadline to file a revalidation for 2026 (without a late fee) is September 1, 2025. Revalidation applications submitted between September 2, 2025, and December 5, 2025, will require a late filing fee of \$125.00 per parcel. No application can be accepted after the late filing deadline of December 5, 2025. Incomplete applications will not be accepted. The property owner shall be responsible for providing all required information.

An on-time application includes all required supporting documents and must be received in our office by close of business on the due date or postmarked by that day. Our experience is that the post office may not postmark the envelope the day you drop it in a box.

According to our records, the above parcel is currently qualified for land use assessment solely under the category of forestry.

To complete the 2026 revalidation process:

- Complete the included state-mandated Revalidation Form (LU-2)
- Complete Supplemental Form C- Forestry
- Return these materials by September 1, 2025 using one of the following methods:
 - ◊ Mail/Drop-off: 401 McIntire Road, Suite 243, Charlottesville, VA, 22902
(if mailed, must be postmarked by September 1, 2025)
 - ◊ Email: landuse@albemarle.org
 - ◊ Fax: 434-296-5801

If your property is not solely used for forestry, if the type of use for all or any portion of this property has changed or has been discontinued, or if you have any questions regarding the revalidation process, please contact our office at 434-296-5856. For additional information and a link to the State Land Evaluation Advisory Council (SLEAC) manual, please visit us at www.albemarle.org/government/finance/land-use.

INFO ON REVERSE

WWW.ALBEMARLE.ORG

401 McIntire Road, Suite 243 | Charlottesville, VA 22902-4596

8938PFR0 4/29/25 CMYK 3.5

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You would have to be concerned about logging equipment destroying this piping from the weight moving over it. The street frontage area contains multiple Dominion poles and power lines heading in every direction. Dominion even has a transformer, pole and power line running through the front center of the property, before connecting to the house's meter. You would not want any heavy tree clearing equipment within any portion of the front property without serious risk of injury to persons or damage to the property's water supply or Dominion's property. Additionally, along the road frontage on both sides of the driveway, there is a derelict rotting wood fence. (I would replace this with a four-board horse fence and brick column entrance – see the fence we built along our home at 1038 Milton Rd). On the left of the driveway is a dilapidated metal “recycling shed” and a wood storage building next to the metal barn. The shingled roof on the large wood storage building is completely caved in. These buildings are surely an eyesore to the neighbors and the entire community against the backdrop of these nice forests. I will demo these two buildings and maybe others we deem far beyond reasonable repair. The metal barn has decades worth of old ivy growth and peeling paint on the walls, broken windows, etc. Behind the house, the front parcel contains an old wire chicken “coop”, and a garden shed. There is a wood framed outbuilding that is directly to the left of the house that looks to be an old storage building, and another one further behind that. Both are questionably salvageable, and as is the case for every structure on the property, they are filled with decades of items, mostly trash now. The information and map provided illustrate how the adverse site conditions of the front 7.5 acres will prohibit the ability to harvest trees for commercial purposes. The nine structures, plus utilities, other improvements and natural site conditions are clearly the logical basis for the County's decision to deem 7 acres (including 1 acre for the homesite) as non-qualified forests for land use purposes. I understand that these districts are not tax programs and the County's land use assessment does not create any right for removal of the non-qualified acreage from a district. However, this should be allowed to serve as further evidence that if allowed to become a new parcel, it would have absolutely no effect, let alone no adverse impact, on forestal operations on land within the district.

Looking at it from another perspective. Under State law, when land changes to a nonqualifying use, or, the zoning of the real estate is changed to a more intensive use at the request of the owner or his agent, it can be subject to roll-back taxes. Let's assume you accept this request, and we had to pay back five years of roll-back taxes plus interest. That amount owed should be the difference between the use value assessment and the fair market value assessment over that time. The same provision in State law that provides authority to localities for these roll-back taxes, states that these additional taxes “shall only be assessed against that portion of such real estate which no longer qualifies for

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assessment and taxation on the basis of use or zoning.” See § 58.1-3237. Per GIS data, the last five assessments show that the total assessed value always exceeded the total value of the improvements. It is fair to assume that the total value assessed equaled the value of the improvements plus a fraction of the assessed market land value. Therefore, the taxes were always being paid at a market rate for the portion of the land that would be removed from the District. If 7.5 acres “no longer qualify” for land use assessment, and 7 of those acres were already deemed to not have qualified for forestry land use per the County Assessor’s office, then the back taxes owed would have to be very insignificant. It appears the amount owed would be the difference of taxes that would have been paid on only ½ of an acre over five years. Does this also not demonstrate to the BOS that the potential adverse impact on the District would be insignificant?

Furthermore, one may argue the creation of one new 7.5-acre parcel necessarily “converts” the use of this land from forestry use to residential. It would be an incorrect assumption to hold that every instance where a portion of land is removed from a forestry district necessarily results in an adverse impact on that district. To see why, first look at the parcels that make up the District today:

Sec. 3-225 - Lanark Agricultural and Forestal District.

The Lanark Agricultural and Forestal District was created on April 20, 1988 and contains the following parcels: 1. Tax map 90: parcels 12, 14A. - 2. Tax map 92: parcel 64C. - 3. Tax map 102: parcels 33, 35, 35A, 35B, 35C. - 4. Tax map 103: parcels 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1J, 1K, 1L, 1M, 2A, 2B, 2E, 3, 3A, 3B, 3C, 3G, 5, 9, 10A, 10B, 10D, 43, 43D, 43F, 43J, 43L, 43L1, 43M, 68 (part).

See Figure 2 on the next page showing the GIS map of parcel 103-2B. This land is bordered by seven other parcels on the same side of Presidents Road. Also, see Figure 3 on page 11 showing all the parcels within this District. Only one of those seven parcels that border 103-2B, parcel 103-2A, is a part of the District. Under this request, parcel 103-2B will still exist as 42.5 acres and will continue to border that one parcel in the District. Also, note that other than parcel 103-2B, the only other parcel in this District that sits along Presidents Road is 103-2E. Most of the parcels in this District sit along either side of Carter’s Mountain Road. Furthermore, compare Figure 3, with Figure 4 on page 12, for an illustration of the size of the District before and after acceptance of this request. Note the redline marking the requested new property line. It shows how 85% of the land of 103-2B will still be within this District. Thus, the land that is purely forest and closer to location and character with the District, will stay therein. Only an insignificant amount of land with zero future development rights is being withdrawn. In turn, look at Figure 5 on page 13 showing the hypothetical makeup of this Presidents Road neighborhood before and after acceptance of



Figure 3 - Lanark Forestry District properties outlined in red in relation to all 50 acres of 3744 Presidents Road outlined in blue.

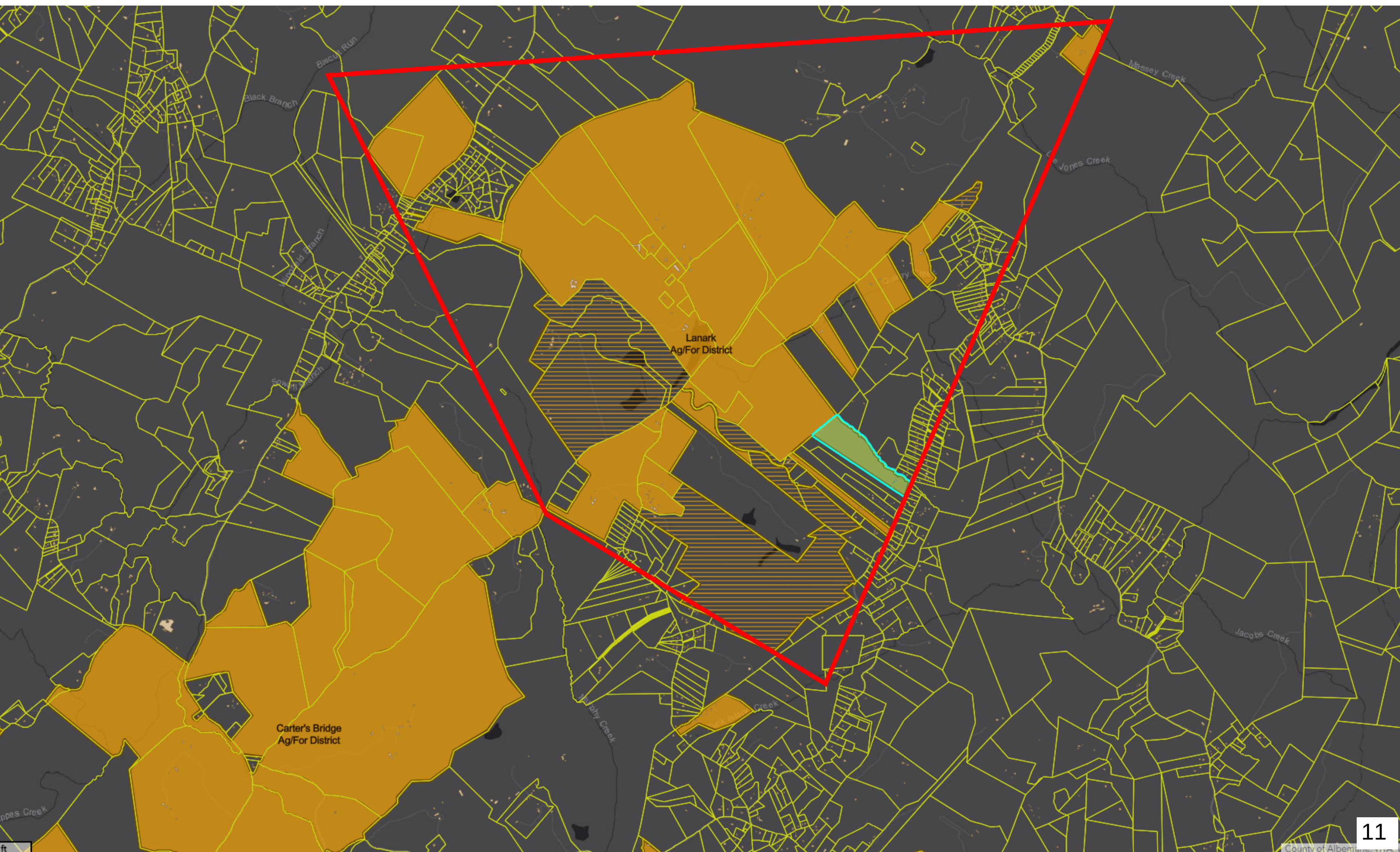


Figure 4 - Lanark Forestry District with red line showing proposed new parcel of approximately 7.5 acres of 3744 Presidents Road.

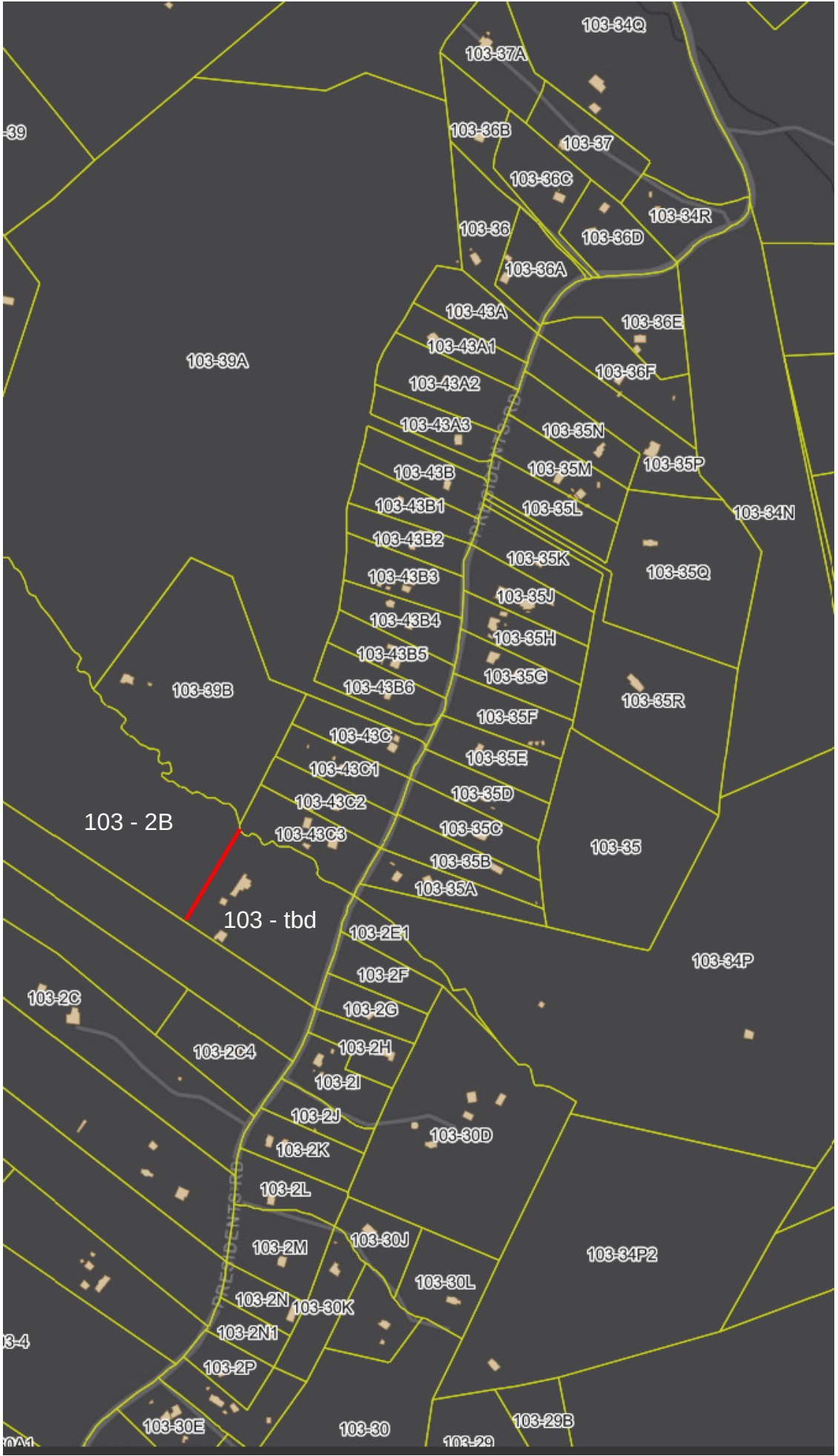


Before Acceptance of Withdrawal From the Lanark District



Figure 5

After Acceptance of Withdrawal From the Lanark District
(Boundary lines are approximate)



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this request. A closer examination illustrates that the proposed new parcel is more in lockstep with the character of the street it is on. This new parcel in the hypothetical image looks like it belongs on Presidents Road in comparison to the size of its neighboring properties.

Furthermore, note the language within Section 3-202. It is a useful guide for interpreting what may be an “adverse impact” related to this current situation. Note that the benefit of this exchange with the County in creating the district is the prohibition to develop forestry land to a more intensive use. Notably, this section of the code immediately begins to list residential uses of land that are not considered “more intensive uses.” For example (emphasis added):

A. Prohibition to develop to a more intensive use. As a condition to creating a district, any parcel within the district shall not be developed to a more intensive use **than that existing on the date the district was created**, subject to the following:

2. Residential uses and occupancy deemed not to be development to a more intensive use; exceptions. **Residential uses on any parcel within a district that are allowed by right in the Rural Areas zoning district are allowed, including the construction and placement of a dwelling unit, regardless of the size of the parcel**, subject to the following occupancy requirements:

c. Subdivisions of any parcel within a district to use a development right. The division of any parcel, or multiple parcels, within a district by subdivision pursuant to Chapter 14 in order **to use a development right and to establish a dwelling unit on its own parcel**, where the size of each resulting parcel is at least 21 acres.

First, according to GIS data, the primary improvements, including the dwelling and main accessory structure (metal barn), along with most of the remaining improvements on the property, predate the existence of the District. We are restricting all future development and subdivision rights for this new parcel. Thus, there will be zero potential for new development to a more intensive use on this portion of land that will have occurred after the creation of the District. Also, the exact effect of this withdrawal, one parcel becoming two, is far less of an intrusion into the actual forests of the District than the by right residential development the code allows for the current landowners.

Lastly on the question of significant adverse impacts. It would be incorrect to hold that by removing this 7.5 acres from a forestry district, there is necessarily a residential conversion of land. First, this District is titled the “Lanark Agricultural and Forestal District.” My wife and I grew up in Shenandoah County, VA. My first job was working on a farm tending to cattle and baling hay. I’ve never stopped appreciating agriculture. I became

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greenhouse certified in high school. We currently have a small vineyard and garden, and my wife grew up riding horses and working for boarding facilities through college. She has an animal science degree from Virginia Tech and has worked in an animal hospital. My wife and I love being outside, whether it is with our dogs, hiking and canoeing, wading the rivers or creeks, or tending to our plants and trees. We are not transplants from a large city that do not understand our neighbors or would create pressures on their way of life. We want to remain in this County for the long term because it has the rural character we need to be happy. To that end, the property still would have more than 6 acres of non-homesite land, meaning it is still eligible for agricultural and horticultural land use. Who is to say that we won't decide to use the land for agricultural land use purposes. If the County gets to presume that losing eligibility for forestry-based land use is an adverse impact on forestry lands, why can't the potential for the land to stay within agricultural land use, along with no ability for further residential development, also serve as a basis for protecting the agricultural character of the District?

All these facts demonstrate that there are no additional "intensive uses" of land being proposed through this request, and assuredly no adverse impacts on any forestry lands. We would be the neighbors the Lanark Forestry District should want to welcome to the area. If I were your Supervisor, I would argue for great tax breaks for large landowners simply to agree not to sell to for-profit developers. That's how much we do not want this place to become another Northern Virginia suburb. The law frequently acknowledges that rules are necessarily over and under-inclusive of their goals. The rules on what constitutes acceptable development within a district would never be capable of considering every single unique circumstance in this life. This is certainly why this section of the code allows for a standards-based review process for withdrawal under Sec. 3-205(D). This scenario shows the benefit of allowing our BOS to consider the individual facts and circumstances of each withdrawal request.

B. Consistent with the Comprehensive Plan & C. Consistent with the public interest.

The second and third factors for withdrawal ask *whether the proposed new land use is consistent with the Comprehensive Plan*; and if the use is consistent with the public interest of the County in that it promotes the health, safety, or general welfare of the County, rather than only the proprietary interest of the landowner.

The current Comprehensive Plan emphasizes protection of the Rural Area. The central goal of the Rural Area chapter states that Albemarle's Rural Area will have thriving farms and forests, protected scenic areas, historic sites, and preserved natural resources. Agricultural districts offer assurance that the district will be considered in local planning decisions. That does not mean these districts are an absolute bar to all changes proposed

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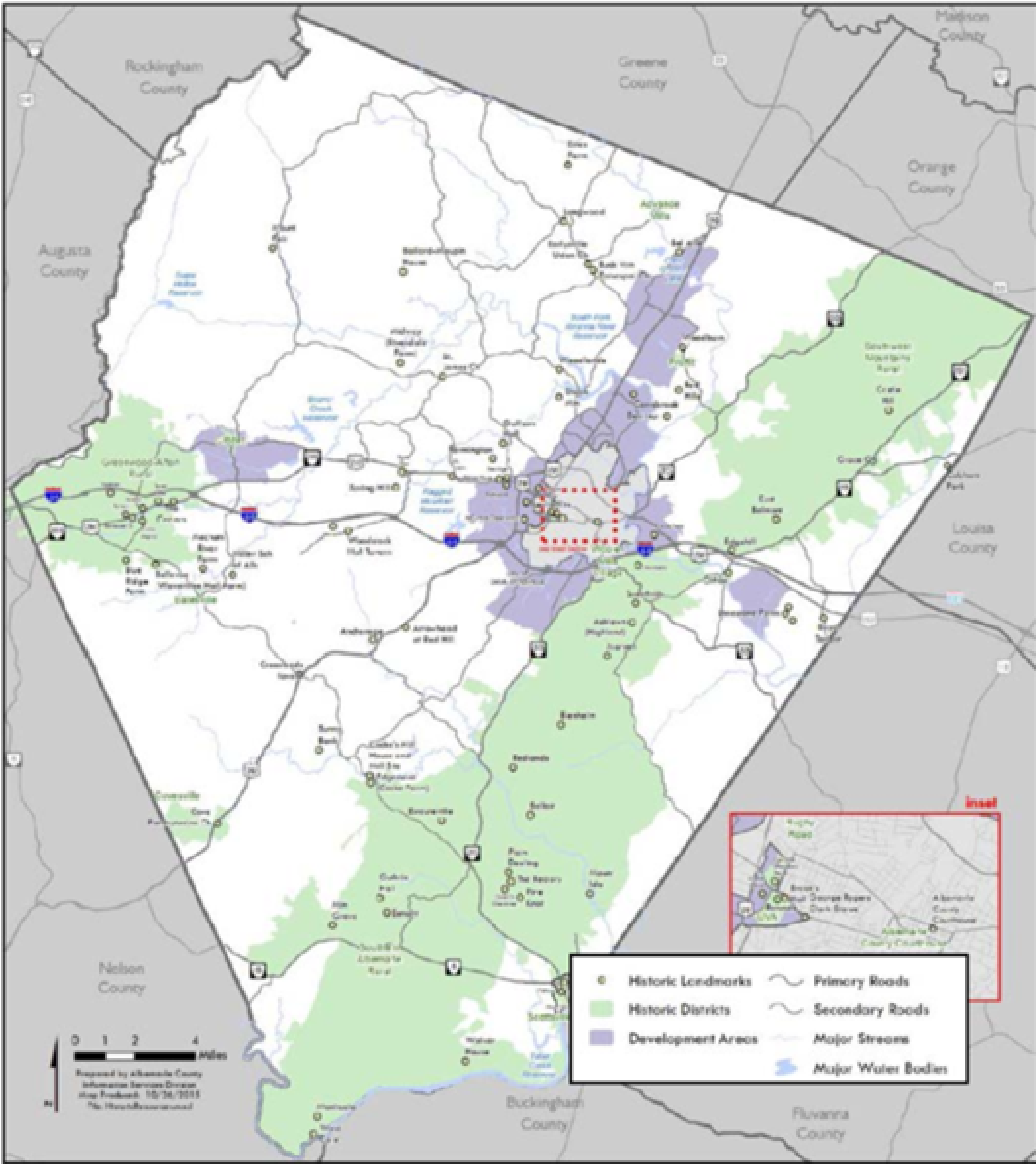
for portions of land falling within them. Hence why Subsection (D)(2) allows for this process, despite that same code containing very specific exceptions to the prohibition against development within districts.

The AC44 should provide assurance to forestry district members that our community's valued forests are not at risk because 15% of one parcel is leaving a district to create a new parcel with no further development rights. According to the Albemarle County Planning Commission, in 1971, when the County's first Comprehensive Plan was adopted, about 60% of new residential development occurred in the Rural Area. 43% of the County's population is currently living in the Rural Area (2020 Census). This District contained 53 parcels in 2008. This District only contained 42 parcels after this current term started in 2019. Despite this fact, the county now shows that only 16% of new residential development occurred in Rural Areas. This decrease of 44% over the last decades clearly is the result of the Comprehensive Plans, along with our community's collective will to protect our historic region.

See Figure 6 on the following page showing the County's development areas and historic districts. The County has intelligently created development areas that ensure development is siphoned into specific areas, where taxpayer funded services can be provided more efficiently. These development areas are nowhere near this District, while almost the entire southeast portion of the County's land is included within the county's historic districts and/or entrance corridor overlay districts. This District sits right in the heart of the Southern Albemarle Historic District, recognized on the National Register of Historic Places. The only location in the County east of Highway 20 (an overlay district) that has a development area is a small portion of land around the Glenmore community, which is directly off US 250 and I-64 – also on the list of entrance corridor overlay districts. The Thomas Jefferson Parkway is also on the list because of the significance of Monticello, Ashlawn-Highland, etc. The County's entrance corridor overlay districts will ensure that development is compatible with the county's natural, scenic, historic and architectural resources by providing for review of new construction along these significant routes of tourist access by an architectural review board under design guidelines promulgated by that board and ratified by the BOS. Furthermore, the County has limitations on new residential development in the rural areas based on acreage, building sites, drainage, road access, watersheds, septic fields, and the list goes on and on.... Is the founder of the Lanark District truly concerned that they don't have the legal mechanisms to control development in the heart of the Southern Albermarle Historic District?

The proposed land use is consistent with the public interest of the County in that it promotes the health, safety, and general welfare of the County, rather than only the

Figure 6 - Albemarle County Development Areas & Historic Districts



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proprietary interest of the landowner. This request promotes the AC44's "Housing" section objectives. Objective #3 states the County wants to increase long-term affordable and workforce housing options in the County through the development of new units and the preservation of existing units. Objective #4 states that it is a priority to preserve and maintain the county's aging housing stock in the Rural Area and Development Areas. Applying these goals here is not in conflict with the protection against development of our forests. Every single structure on this property needs major renovations (if even salvageable) that will cost the average person well into the six figures. Looking back over the last five years of tax data, the Assessor office has been overvaluing the improvements on this property. The improvements in 2022 were valued at \$249,900, and since then the County has raised the improvements value to \$356,500 in 2026. Speaking only of the dwelling - there were literal trees growing out of the gutters, if sections of the fascia still even had gutters on them. The wooden windowsills were mostly rotten. Whole sections of lap siding were missing. Sections of a second level exterior porch railing were on the ground. There were multiple portions of roof that were caved in or actively leaking water. The plaster is falling off the ceiling, and wallpaper is fraying in many rooms, from the extensive moisture intrusion. The entire two-story section of the house is covered in old carpet original to the late 1960s or early 70s. This is barely scratching the surface of what I've witnessed that needs repair, and I didn't even begin to touch the other buildings on the property. From my experience, the level of degradation in this house began long before this woman passed away. Allowing for this subdivision would allow these structures to be repaired properly. My family and I have had no issues working with your building inspectors. We will properly file and pay our permits, and we care about strictly following building code. Your inspectors, assessors, planning staff, etc. will all be treated with respect and given complete access at all stages of renovation so that they can properly do their jobs, no different than the respect they have all been shown with our barn at 1038 Milton Rd.

Allowing for the subdivision of the existing dwelling doesn't provide much if any monetary gain to the current landowners. You will see this in the sale price. Instead, the County benefits by helping two local workers to start a family, by finding an increased sized home. One of those workers is a UVA Health employee that prepares, infuses and manages clinical trials for lifesaving cellular therapies for patients with cancer and other diseases, spending each day saving people who are truly on their last resort. The County can also receive the benefit of us spending money on local businesses to supply materials for revitalizing a local existing rural home. Also, we are not contractors or non-local developers looking to decrease the housing supply in this area by transforming this home into a short-term rental. My wife and I have each lived in Albemarle for over 10 years in total, and we truly hope that we can call this place home for the rest of our lives. It would be within the

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public interest to allow for standards of leniency in forestry district regulations, especially in instances where our dilapidated housing stock can be replenished efficiently without pressuring adjacent landowners in the forestry district to develop their land. I see dilapidated houses all around the streets near the Lanark Forestry District. Would the large landowners of this area not appreciate efforts that only increase the aesthetics of your road views in that area?

Per data from UVA's Weldon Cooper Center, the population growth in Albemarle County has far outpaced every other city and county within the Thomas Jefferson Planning District. See Figure 7 on the next page. The population of this county has doubled since 1990. The founding of this District was in 1988. In the next 20-25 years, the population is projected to almost triple that of 1988. Time has changed this County since the founding of this District. Your employment growth is exceptional, and with the heavy push from the coffers of UVA's foundation, you may very well be underestimating the job growth that is going to occur once the Manning Biotech Institute and AstraZeneca are operating in town. There is going to be an explosion of employment opportunities in the Biotech industry, and UVA knows this all too well. It's why they are spending hundreds of millions in total on that Biotech Institute and their Research Park. If you do not follow through on your goal to revitalize your aging housing supply, you are only going to make it that much more costly for every resident to find affordable housing within the development areas as well.

Albemarle County's median home value increased by 46.1% from 2010 to 2023. We used to rent a 2-bedroom single-family house in the Mill Creek neighborhood for \$1350 a month in 2016-17. In a span of less than 10 years, the estimated rent for this same property is now \$2120 per Zillow. There are zero homes for rent that I could find at this time in that same neighborhood. Clearly, the times have changed even faster than the term limits of our forestry districts. We do not qualify for low-income housing, but like many within our generation, financial stability has been a struggle every step of the way. Every month, just the interest on my student loans costs over \$1000. The only way we have been able to get somewhat of a footing in this life is because I am now a construction worker that has committed myself to learning every trade from my family. We as a community actively choose to increase our housing costs and make things unaffordable for young people when we exceed the need for regulations and when we increase taxation – two key drivers of inflation. This is a direct community benefit in many ways, whereas the landowners are not putting themselves first at all. They could wait three years and do far more lucrative things with this land if they wanted to. The proposed land use is consistent with the public interest of the County in that allowing for the subdivision of this land for the purpose of renovating our derelict existing housing supply, the BOS will be promoting the health, safety, and general welfare of the County.

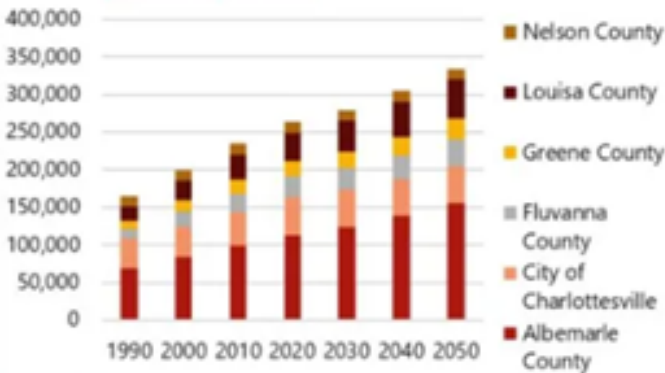
Figure 7 - TJPDC Population & Employment Growth Projections

2 PLAN DEVELOPMENT

Spanning 2,140 square miles, the TJPDC region includes a wide range of geographies in Central Virginia. It covers six member governments: Albemarle County, Fluvanna County, Louisa County, the City of Charlottesville, Greene County, and Nelson County. See Appendix I, II, III for more data analysis.



Total Population by Decade



Source: Weldon Cooper

QUICK REGIONAL FACTS:

Population: 270,319

Compound Annual Growth Rate - Population

- 2000-2010: 1.6%
- 2010-2020: 1.2%
- 2020-2022: 1.3%

Household size: 2.41

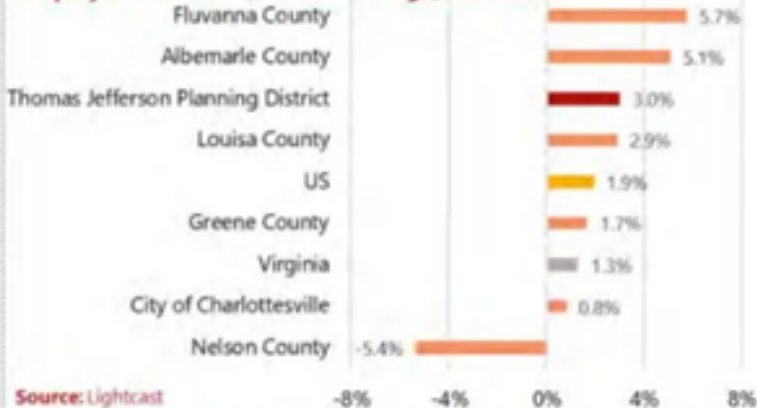
- Household growth 2010-2020: 12%

Median Age:

- 2010: 37.6
- 2022: 39.5

Median Household Income: \$81,318

Employment Growth, Percent Change, 2017-2022



Source: Lightcast

d. Changed circumstances

There is good and reasonable cause to allow this request based on the fourth criteria for withdrawal. The language of the fourth factor states: *“The proposed land use was not anticipated by the landowner at the time the land was placed in the district, and there has been a change in circumstances since that time.”*

First note the language of this fourth factor. It only refers to the word “landowner” once and does so only in reference to “the landowner at the time the land was placed in the district...”. The land was placed into this District in September 2019. The person that owned the property at that time, and up until 2025, is deceased. The current owners became the new owners because of the death of the “landowner at the time the land was placed in the district.” The proposal to sell off your only home as a single elderly woman to a non-family member, and keep only the back forests, is not a proposed land use that the previous owner would have anticipated, projected, considered, etc. as a possible alternative in 2019. This sentence appears to be provided as one of the four factors specifically for circumstances like this one, and thus this is the change in circumstances since 2019 that justifies the acceptance of the withdrawal. If the word “landowner” within this factor meant the current landowner making this withdrawal request, the sentence becomes unintelligible. How could the current landowner in these circumstances have anticipated anything about the future potential land use of this parcel at any time between 1988 and 2019?

Ultimately, this BOS should be assured that accepting this request does not set a precedent to erode the protections of Forestry Districts. It is only due to the presence of many factors, taken cumulatively, that make this request good and reasonable. To be clear, if any of the following facts were changed in the present request, I would agree that this proposal should be denied: (1) if this were a case where the person that put the land into the District was also making this request; (2) if any new development rights were to be used; (3) if no residential development existed on the new parcel; (4) if a family member or other heir by law of the deceased landowner received the property, and is making this request for profit; (5) if a for profit developer was going to receive the newly created parcel; among many other factors. This request will not adversely impact this District or any other concern related thereto.

Therefore, in consideration of the foregoing discussion, we ask the Board of Supervisors to allow the owners of 3744 Presidents Road, Eugenia Johnston and Thomas Whitehurst, the right to remove 7.5 of their 50-acre parcel from the Lanark Forestry District. The law that gave these districts the right to exist - the Agricultural and Forestal Districts Act – gives these two individuals the right at any time after the creation of a district within

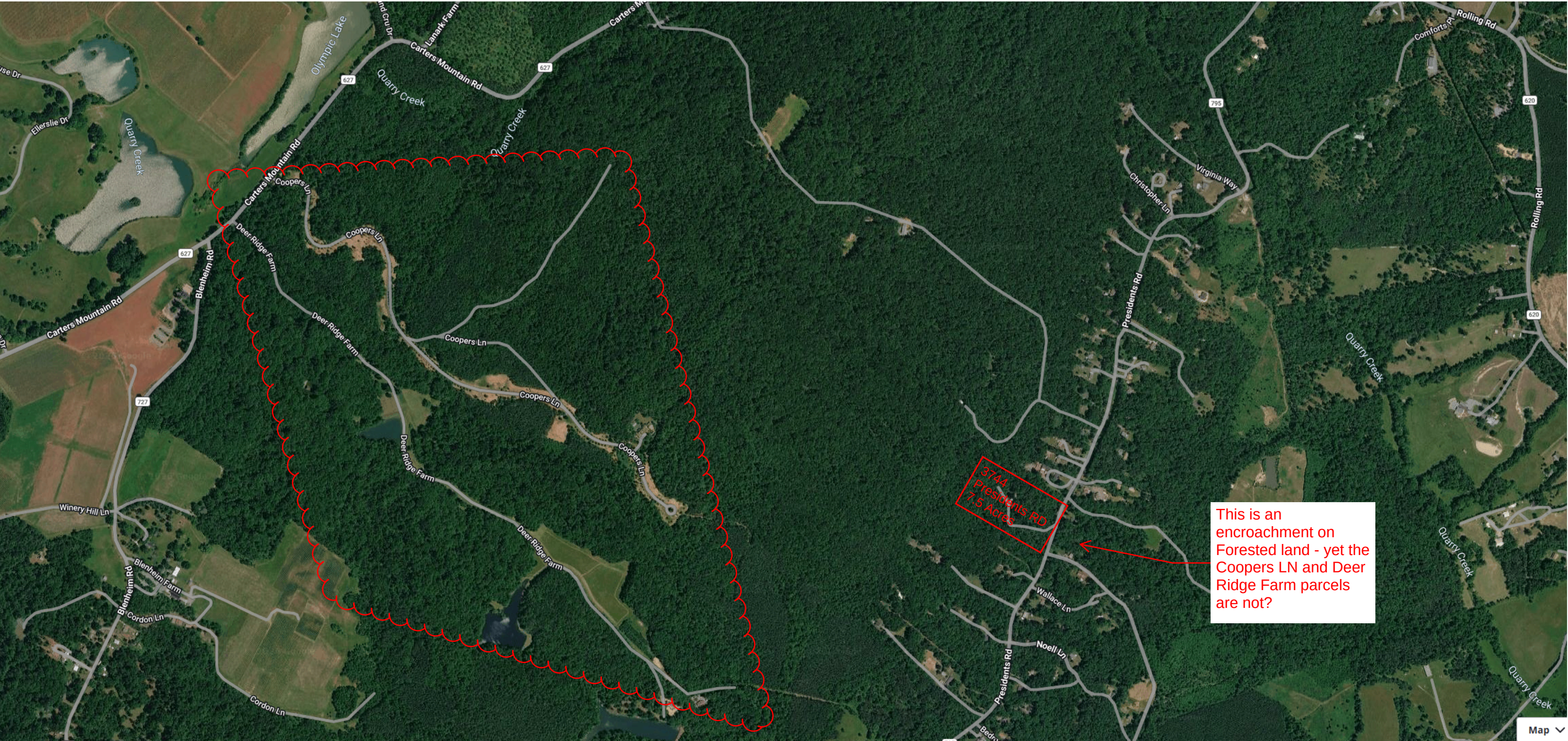
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any locality, to file a written request to withdraw all or part of their land from the district for good and reasonable cause. See § 15.2-4314. Among many other reasons stated, allowing for the creation of one new lot, that already has a dwelling which predates the existence of the District, and has zero development rights, allows the District to preserve these forests adjacent to their lands. We hope that you find the facts and circumstances presented here as a good and reasonable basis for granting this request to remove 7.5 acres from the Lanark District.

Thank you for your consideration,

John Baroncelli

Figure 8 - Proposed new parcel at 3744 Presidents Rd in relation to an 8-parcel subdivision directly adjacent to TM Parcel 103-2A (Subdivision boundary is approximate).



This is an encroachment on Forested land - yet the Coopers LN and Deer Ridge Farm parcels are not?

Attachment C

ORDINANCE NO. 26-3(1)

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 3, AGRICULTURAL AND FORESTAL DISTRICTS, ARTICLE II, DISTRICTS OF STATEWIDE SIGNIFICANCE, DIVISION 2, DISTRICTS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 3, Agricultural and Forestal Districts, Article II, Districts of Statewide Significance, Division 2, Districts, of the Code of the County of Albemarle, Virginia, is hereby amended and reordained as follows:

By Amending:

Sec. 3-225 Lanark Agricultural and Forestal District

CHAPTER 3. AGRICULTURAL AND FORESTAL DISTRICTS

ARTICLE II. DISTRICTS OF STATEWIDE SIGNIFICANCE

DIVISION 2. DISTRICTS

Sec. 3-225 Lanark Agricultural and Forestal District.

The district known as the "Lanark Agricultural and Forestal District" was created and continues as follows:

A. *Date created.* The district was created on April 20, 1988.

B. *Lands within the district.* The district is composed of the following described lands, identified by parcel identification number:

1. Tax map 90: parcels 12, 14A.
2. Tax map 92: parcel 64C.
3. Tax map 102: parcels 33, 35, 35A, 35B, 35C.
4. Tax map 103: parcels 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1J, 1K, 1L, 1M, 2A, 2B (part), 2E, 3, 3A, 3B, 3C, 3G, 5, 9, 10A, 10B, 10D, 43, 43D, 43F, 43J, 43L, 43L1, 43M, 68 (part).

C. *Review.* The district is reviewed once every ten years and will next be reviewed prior to September 18, 2029.

(Code 1988, § 2.1-4(k); § 3-221, Ord. 98-A(1), 8-5-98; [Ord. 98-3\(1\)](#), 9-9-98; [Ord. 99-3\(2\)](#), 2-10-99; [Ord. 99-3\(5\)](#), 10-6-99; [Ord. 08-3\(1\)](#), 7-9-08; Ord. 09-3(4), 12-2-09; [Ord. 15-3\(1\)](#), 12-2-15; § 3-225, [Ord. 18-3\(1\)](#), 11-7-18; [Ord. 19-3\(2\)](#), 9-18-19; Ord. 26-3(2); 6-17-26)

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I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on June 17, 2026.

Clerk, Board of County Supervisors

	Aye	Nay
Ms. Duncan	_____	_____
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Mr. Missel	_____	_____
Mr. Pruitt	_____	_____